

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN MELO et al.

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Crim. No. 03-10361-RWZ

MOTION TO EXCLUDE TIME
FROM SPEEDY TRIAL ACT COMPUTATIONS

The United States of America, by and through its undersigned counsel, hereby requests that the Court enter an Order of Excludable Delay in this case for the period from December 16, 2003 through February 5, 2004, pursuant to 18 U.S.C. § 3161(h), for the reasons set forth herein.

1. The indictment in this case was returned on December 3, 2003, and unsealed on December 10, 2003. Defendants John Melo and Gregory Warren (who were both arrested on a complaint) had their initial appearances before the indictment was unsealed. Kevin Briggs, Carla Paiva, and Tanya Pinheiro had their initial appearances on December 10, 2003. Scott Fink, who was incarcerated in Rhode Island when the indictment was unsealed, did not have his initial appearance before this Court until January 5, 2004.

2. Pursuant to 18 U.S.C. § 3161(h)(7), the 70 days of non-excludable time within which the trial of this case must begin is measured from January 5, 2004, the date of Scott Fink's initial appearance. United States v. Maxwell, 351 F.3d 35, 38 (1st cir.

2003) ("The STA clock begins to run anew on the date of the last co-defendant's arraignment") (internal quotation marks and brackets omitted) (quoting United States v. Barnes, 251 F.3d 251, 258-59 (1st Cir. 2001)).

3. The Court has previously ordered the following periods of excludable delay: 12/18/03 - 01/15/04 (Dkt # 29); 01/27/04 - 03/25/04 (Dkt # 38); 03/25/04 - 05/25/04 (Dkt # 43).

4. The government now respectfully requests that the Court also enter an order of excludable delay for the period from 01/15/04 through 01/27/04, pursuant to 18 U.S.C. § 3161(h)(1)(F), on the grounds that one or more pretrial motions were pending during that period. Those motions are as follows:

MOTION	DATE FILED	DATE DECIDED
Motion for detention re Scott Fink	01/05/04	01/21/04
Motion to reschedule initial status conference	01/15/04	01/22/04
Motion to continue initial status conference	01/23/04	01/27/04

WHEREFORE, the government respectfully requests that the Court enter an Order of excludable delay for the period 01/15/04 through 01/27/04 for the reasons stated herein.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ William Weinreb
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